

**STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING**

Department of Public Health v.
Elna Bjelland-Hughes, R.N.
Registered Nurse License No. R22518
5 Ansmour Road
Seymour, Connecticut 06483
CASE PETITION NO. 950607-10-058

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Public Health (hereinafter the "Department") with a Statement of Charges and a Motion for Summary Suspension dated July 10, 1995 (Department Exhibit 1). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Elna Bjelland-Hughes (hereinafter the "Respondent").

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that the continued nursing practice of the Respondent represented a clear and immediate danger to public health and safety. On July 12, 1995, the Board ordered, pursuant to its authority under §19a-17(c) of the General Statutes of Connecticut, that the registered nurse license of the Respondent be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges (Department Exhibit 1).

The Board issued a Notice of Hearing dated July 12, 1995 scheduling a hearing for July 26, 1995 (Department Exhibit 1). The hearing took place on July 26, August 31, and September 27, 1995 at the Legislative Office Building, Room 2A, Capitol Avenue, Hartford, Connecticut.

The Respondent filed a written answer to the Statement of Charges. (Respondent's Exhibit A)

During the hearing on July 26, 1995 the Respondent made an oral motion for sequestration of witnesses. The Board granted the Respondent's motion. (Hearing Transcript, July 26, 1995, pp. 54-56)

At the conclusion of the Department's direct case on July 26, 1995, the Respondent made an oral motion to vacate the Summary Suspension Order pending the continuation of the hearing. The Board denied the Respondent's motion. (Hearing Transcript, July 26, 1995, pp. 223-229)

During the hearing on August 31, 1995 the Respondent submitted a Motion to Dismiss and a Memorandum in Support of Motion to Dismiss (Respondent's Exhibit B). The Department submitted a Memorandum In Opposition To Respondent's Motion To Dismiss (Department Exhibit 10). Following oral argument the Board dismissed from the Statement of Charges, the First Count Paragraphs 3c, 4, 5b, 5c and 5d, and the Second Count Paragraphs 8c, 9, 10b, 10c and 10d. (Hearing Transcript, August 31, 1995, pp. 2-32) (Hearing Transcript, September 27, 1995, pp. 9-10)

During the hearing on August 31, 1995 the Respondent verbally amended the written answer to the Statement of Charges by admitting the First Count Paragraph 3b and the Second Count Paragraph 8b. (Hearing Transcript, August 31, 1995, pp. 27, 47-48)

At the conclusion of the Respondent's direct case and the Department's rebuttal on August 31, 1995, the Board vacated the Summary Suspension of the Respondent's registered nurse license. (Hearing Transcript, August 31, 1995, p. 96)

During the hearing on September 27, 1995 the Department made a motion to amend the Statement of Charges (Hearing Transcript, September 27, 1995, pp. 2-13) (Department Exhibit 11). Following oral argument the Board denied the Department's motion (Hearing Transcript, September 27, 1995, pp. 13-14).

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board's professional knowledge in evaluating the evidence.

FACTS

Based on the testimony given and the exhibits offered into evidence, the Board made the following Findings of Fact:

1. Elna Bjelland-Hughes, hereinafter referred to as the Respondent, was issued Registered Nurse License Number R22518 on October 8, 1970. The Respondent was the holder of said license at all times referred to in the Statement of Charges. (Department Exhibit 2)
2. The Respondent was given due notice of the hearing and the charges against her. Department Exhibit 1 indicates the Summary Suspension Cover Sheet, Motion for Summary Suspension, Summary Suspension Order, Notice of Hearing, Statement of Charges, Licensure Affidavit and Supporting Documents were served on the Respondent by Deputy Sheriff on July 14, 1995.
3. The Respondent was present on all hearing dates and was represented by counsel.
4. From on or about June 1994 to on or about February 1, 1995 the Respondent was employed as a registered nurse at Maefair Health Care Center, Trumbull, Connecticut. (Hearing Transcript, July 26, 1995, pp. 130, 147)
5. From on or about August 1994 to January 1995, while working as a registered nurse at Maefair Health Care Center, the Respondent, on fifty-one (51) occasions, signed out controlled substances on controlled substance disposition records but failed to document the administration of the controlled substances on corresponding medication administration records. (Department Exhibit 5) (Hearing Transcript, July 26, 1995, pp. 99-100)

6. From on or about December 1994 to on or about March 1995 the Respondent was employed as a registered nurse at Cambridge Manor Health Center, Fairfield, Connecticut. (Hearing Transcript, July 26, 1995, pp. 189-190) (Hearing Transcript, August 31, 1995, p. 53)
7. During February and March 1995, while working as a registered nurse at Cambridge Manor the Respondent administered controlled substances to patients without documenting the administrations on controlled substance proof of use sheets and pre-punched controlled substances prior to scheduled administration times. In addition, the Respondent documented on medication administration records, the administration of controlled substances to patients and the effects of the administration at times prior to the actual administration of the medications. (Department Exhibits 6 and 7) (Hearing Transcript, July 26, 1995, pp. 86-89, 209)

DISCUSSION AND CONCLUSIONS

In consideration of the above Findings of Fact, the following conclusions are rendered:

Elna Bjelland-Hughes held a valid registered nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Summary Suspension Order, Notice of Hearing and Statement of Charges provided sufficient legal notice as mandated by the General Statutes of Connecticut §4-177, §4-182 and §19a-17.

The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as §19-2a-1 through §19-2a-30 of the Regulations of Connecticut State Agencies. The Notice of Hearing, Statement of Charges and the hearing process provided the Respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by the General Statutes of Connecticut §4-182(c).

The FIRST COUNT PARAGRAPHS 3c, 4, 5b, 5c and 5d, and the SECOND COUNT PARAGRAPHS 8c, 9, 10b, 10c and 10d of the Statement of Charges were dismissed by the Board during the hearing on August 31, 1995 subsequent to a Motion to Dismiss submitted by the Respondent. (Hearing Transcript, August 31, 1995, pp. 28-32) (Hearing Transcript, September 27, 1995, pp. 9-10)

The FIRST COUNT PARAGRAPH 3a of the Statement of Charges alleges that on or about August 1994 through and including January 1995, while working as a registered nurse at Maefair Health Care Center, Trumbull, Connecticut, the Respondent diverted Darvocet, Tylenol with Codeine, Ativan, and/or Percocet.

The SECOND COUNT PARAGRAPH 8a of the Statement of Charges alleges that on or about February 1995 through and including March 1995, while working as a registered nurse at Cambridge Manor Health Center, Fairfield, Connecticut, the Respondent diverted Ambien, Oxycodone/APAP, Alprazolam, Diazepam, and/or Lorazepam.

The Respondent denies these charges. (Respondent's Exhibit A)

The Board concludes that the Department did not meet its burden of proof by a preponderance of the evidence that the Respondent diverted controlled substances from either Maefair Health Care Center or Cambridge Manor Health Center. Therefore, the First Count Paragraph 3a and the Second Count 8a of the Statement of Charges are dismissed.

The FIRST COUNT PARAGRAPH 3b and the SECOND COUNT PARAGRAPH 8b of the Statement of Charges alleges the Respondent, while working as a registered nurse at Maefair Health Care Center, Trumbull, Connecticut on or about August 1994 through and including January 1995 and at Cambridge Manor Health Center, Fairfield, Connecticut, on or about February 1995 through and including March 1995, failed to completely, properly and/or accurately document medical or hospital records.

The Respondent admits these charges. (Hearing Transcript, August 31, 1995, pp. 27, 47-48)

The General Statutes of Connecticut §20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "... (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions...."

Based on its findings and the Respondent's admission, the Board concludes that the Respondent's conduct as specified in Paragraph 3b of the First Count and Paragraph 8b of the Second Count is proven and that said conduct violates the General Statutes of Connecticut §20-99(b)(2). Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

ORDER

Pursuant to its authority under §19a-17 and §20-99 of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby orders the following:

1. That for the First Count Paragraph 3b and the Second Count Paragraph 8b the Respondent's registered nurse license, No. R22518, is placed on probation for a period of two (2) years.
2. If any of the following conditions of probation are not met, the Respondent's registered nurse license may be subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.
 - A. The Respondent shall provide a copy of this Memorandum of Decision to any and all employers if employed as a nurse during the probationary period. The Board shall be notified in writing by her employer(s) within thirty (30) days as to receipt of a copy of this Memorandum of Decision.
 - B. Should the Respondent change employment at any time during the probationary period, she shall provide a copy of this Memorandum of Decision to her employer and said employer shall notify the Board in writing, within thirty (30) days, as to receipt of a copy of this Memorandum of Decision.

- C. The Respondent shall not accept employment as a nurse for a personnel provider service, Visiting Nurse Association or home health care agency and shall not be self-employed as a nurse during the period of her probation.
- D. The Respondent shall cause employer reports to be submitted to the Board by her immediate supervisor during the entire period of probation. Employer reports are due monthly, for the first six (6) months of employment as a nursing during probation period and bi-monthly for the remainder of the probationary period.
- E. Employer reports cited in Paragraph D above, shall include documentation of the Respondent's ability to safely and competently practice nursing and an evaluation of the Respondent's ability to competently and accurately document the administration of medications. Employer reports shall be submitted directly to the Board, from the Respondent's immediate supervisor at the address listed in Paragraph I below and shall commence with the report due on the first day of the month following the Respondent's employment as a nurse.

Should the Respondent's employment as a nurse be voluntarily or involuntarily terminated, the Respondent's employer shall notify the Board, within seventy-two (72) hours, of such termination.

- F. During the first ten (10) days of employment as a nurse during the probationary period the Respondent's immediate supervisor shall audit the Respondent's administration of medications. The results of said audit shall be reported in the first employer report submitted to the Board.
- G. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of employment.

- H. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of address.
- I. All correspondence and reports are to be addressed to:

BOARD OF EXAMINERS FOR NURSING
Department of Public Health
150 Washington Street
Hartford CT 06106

3. Any deviation from the terms of probation without prior written approval by the Board of Examiners for Nursing will constitute a violation of probation which will be cause for an immediate hearing on charges of violating this Order and will subject the Respondent to sanctions under §19a-17(a) and (c) of the General Statutes of Connecticut including, but not limited to, the revocation of her license. Any extension of time or grace period for reporting granted by the Connecticut Board of Examiners for Nursing shall not be a waiver or preclude the Board's right to take action at a later time. The Connecticut Board of Examiners for Nursing shall not be required to grant future extensions of time or grace periods. Notice of revocation or other disciplinary action shall be sent to Respondent's address of record (most current address reported to the Licensure and Renewal Section of the Division of Medical Quality Assurance of the Department of Public Health and Addiction Services or the Connecticut Board of Examiners for Nursing.)
4. This Memorandum of Decision becomes effective, and the two (2) year probation period of the Respondent's registered nurse license shall commence, on November 15, 1995.

The Board of Examiners for Nursing hereby informs the Respondent, Elna Bjelland-Hughes, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 15th day of November, 1995.

BOARD OF EXAMINERS FOR NURSING

By



1514Q